

**REMARKS**

Applicant thanks the Examiner for his courtesy and helpful suggestions during an  
5 Interview, which was held on 23 May 2006. During the Interview, the current Office  
Action was discussed. Applicant pointed out to the Examiner that the previous  
submission by Applicant was indeed fully responsive to the prior Office Action. For sake  
of summary, Applicant points out that the prior Office Action (dated 30 January 2006)  
10 identifies five "patentably distinct species" of the invention. To wit, Claims 2-8, Claims  
9-27, Claims 28-35, Claims 39-41, and Claims 43-51. The Examiner states that these  
claims "are directed to different species of the generic feature of".... The Examiner also  
indicates that "Claim 1 is generic." Finally, the Office Action indicates on page 3, item 3  
that "a reply to this requirement must include an identification of the species that is  
elected consonant with this requirement, and a listing of all claims readable thereon..."  
15 (emphasis added). Applicant's response of 20 February 2006 indicated that Applicant  
"elects a species for Claims 9-27, to which Claim 1 is generic..." Because the previous  
Office Action required both (1) an identification of species that is elected, and (2) a  
listing of all claims readable thereon, Applicant has fully complied with the requirements  
of the previous Office Action.

20 In the current Office Action, on page 2 the last paragraph on that page, the Examiner  
has indicated that "a reply to this requirement must include an identification of the  
species that is elected consonant with this requirement, and a listing of all claims  
readable thereon..." As discussed during the Interview, Applicant is unable to provide a  
25 further response because Applicant has already responded fully and completely as  
required. During the Interview, the Examiner indicated that he considered each claim  
within the species to be a separate species and that the species themselves to be  
genus. Applicant pointed out that, in fact, the Examiner indicated that Claim 1 is generic  
and that Claim 1 had already been searched. Part of the policy reason for restriction  
30 requirements is to relieve the Examiner of any undue burden when searching multiple  
inventions. In this case, the Examiner has already performed his search. The Applicant

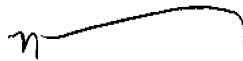
acknowledged that the Examiner has directed the claim to be broken into species and has properly elected a species for the Examiner's consideration. The Examiner, during the Interview, appeared to take the position that each claim in the application is a species. This would amount to a 51-way restriction. In the experience of Applicant's attorney (which spans over 26 years) this is an instance of first impression.

Further, the Examiner has not identified any basis for the rejection based on the Patent Office classification scheme that might require some specific or onerous searching on the Examiner's part. Thus, Applicant is of the opinion that Applicant has complied fully with requirements of the statute and Patent Office procedure as set forth in the MPEP and that the requirement for further information from the Applicant is improper. Accordingly, Applicant respectfully requests that the Examiner withdraw same and proceed with substantive examination of the application.

Applicant's formal response to the present Office Action is to repeat Applicant's election of the species drawn to Claims 9-27. That is, Applicant elects to have examination proceed with regard to the claims drawn to the species of "collection methods" which depend from generic Claim 1. This election is made without traverse.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully submitted,



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